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# The soviet legacy of 'national security' in Russian migration policy

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## Abstract

The article analyzes the evolution of Russian migration policy vis-à-vis national security thinking in a historical perspective. The idea put forward is that Russian migration policy is built on the early Soviet experiences of population control, in which 'national security' was an essential component of policy developments. In today's conditions, the interconnectedness of transnational security challenges, such as large-scale migration, is an important factor that officially motivates Russia to emphasize pragmatic institutional choices. Russia has followed the global trend of securitization of legislation and administrative policies underlying the re-emergence of national security as an important policy framework. This ambitious framework is constrained by unfinished institutional changes and legacies rooted in the Soviet past. Migration continues to be an arena of policy-making where different interests override each other. Russian migration policy can best be described as an attempt to find a balance between economic incentives and security concerns, or between institutional pathologies and recycled dysfunctions and the need for modernization.

**Keywords:** national security; law; administration; Central Asia; migration; passports

## 1 Introduction

The framing of social and cultural questions as possible security threats has increased enormously in the past 17 years globally and has led to the development of new border control mechanisms. At the same time, national security has become a popular governmental policy-making frame, which affects both the norms and the administrative cultures in charge of the implementation of the norms.<sup>1</sup> In Russia, as elsewhere, national security is a practical policy-making concept, linked with the assessment of security threats, the birth of societal risk positions,<sup>2</sup> definitions of vital societal interests and decisions concerning the appropriate action. A key feature of decision-making concerning national security is the selection of high-risk policy domains, combined with the allocation of public

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<sup>1</sup> C.f. Fred Warren Riggs, *Administration in Developing Countries. The Theory of Prismatic Society* (Boston: Houghton Mifflin Company, 1964); Ulrich Beck, *The Risk Society. Towards a New Modernity* (Wiltshire: Sage Publications, 2005).

<sup>2</sup> Beck, *The Risk Society*.

resources and political support for organizational and legal changes. In a historical perspective, national security can also be seen as a form of ‘protectionism’ from the outside world and its negative influences, a feature which is again gaining prominence in world politics.

This article focuses on the impact of national security thinking for both Soviet and Russian migration policy. Previous research on Russian migration and security management gives the impression that 20-plus years after the collapse of the Soviet Union, institutional, legal and cultural transition is still very much ongoing and full of inconsistent and conflicting tendencies. Existing research literature on the Russian Government and its overall policy development is heavily concentrated on the impact of the Soviet legacy and the dysfunctional qualities of the Russian state administration. Criticism has directed attention to the failures of Russian institutional modernization (i.e. ‘westernization’ or ‘transfer of best practices’) and the consolidation of the state of the rule of law in Russian everyday life. There is already a considerable amount of research and commentary on Russia’s administrative and legal systems, which underlines both the importance of the political culture for Russia’s development trajectories and the recycling of old practices and ways of thinking inside the Russian administration and legal system.<sup>3</sup> In addition, many studies also convincingly show the heterogeneous development in various geographical and institutional locations.<sup>4</sup>

Among the various theoretical approaches to migration, none concentrates on the specificities of socialist experiences of displacement and labor migration. Therefore, the analysis of Russian migration can be viewed from several perspectives, depending on the research question. This article utilizes the migration system theory,<sup>5</sup> which sees migratory movements as arising from prior links between sending and receiving countries based on colonization, political influence, trade investment or cultural ties. Migration results in the interaction between macro (political economy, laws, institutions) and micro (networks, practices and beliefs) structures.

Prior studies on Russian migration policy have provided a rich body of analyses from anthropological, sociological and legal perspectives, shedding light on policy changes, the

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<sup>3</sup> E.g. Vladimir Gel'man, “The Vicious Circle of Post-Soviet Neopatrimonialism in Russia,” *Post-Soviet Affairs* 2, no. 5 (2015): 455–73; Mikhail Pozdniakov, “The Courts and the Law Enforcement System,” *Russian Politics & Law* 54, no. 2–3, (2016): 164–90; Kirill Titaev and Maria Shkliaruk, “Investigators in Russia,” *Russian Politics & Law* 54, no. 2–3 (2016): 112–37.

<sup>4</sup> E.g. Kathryn Hendley and Peter Murrell, “Revising the Emergence of the Rule of Law in Russia,” *Global Crime* no. 1 (2015): 19–33; Kathryn Hendley, “Justice in Moscow?,” *Post-Soviet Affairs* 32, no. 6 (2015): 1–21; Anna-Liisa Heusala and Jarmo Koistinen, “‘Rules of the Game’ in Cross-border Cooperation: Legal-administrative Differences in Finnish–Russian Crime Prevention,” *International Review of Administrative Sciences* no. 84 (2): 354–370; Meri Kulmala, Markus Kainu, Jouko Nikula and Markku Kivinen, “Paradoxes of Agency: Democracy and Welfare in Russia,” *Demokratizatsiya* no. 22 (2014): 523–52.

<sup>5</sup> Stephen Castles, Hein de Haas and Mark Miller, *The Age of Migration: International Population Movements in the Modern World* (Fifth Edition). (Basingstoke: Palgrave Macmillan, 2014). The authors describe the dominant theoretical viewpoints in migration studies.

evolution of migration management, migrant community experiences, and various adjunct policy areas, such as social policy.<sup>6</sup>

Against this backdrop, this article seeks to answer the following questions: What is the Soviet legacy of population control and how does ‘national security’ thinking affect Russian migration policy in the current conditions? The starting point has been that the Soviet legacy of population control and documentation has significance for the practical constraints for change today. National security has been a historically relevant umbrella concept for Russian political economy and governance which has specified key areas of policy-making and shaped their implementation at the levels of practices and ways of thinking. The control of migratory flows, both inside Russia and across its borders, has historically been a key area of interest to the Russia state. Migration policy has connected other crucial components of national security, such as economic planning, demography, regional development and questions concerning ‘civilizational’ and cultural identity (‘proper citizenship’ and ‘irregularity’). After the collapse of the Soviet Union, migration flows between Russia and its Southern neighbors has been among the key societal developments connecting various legal/administrative and security policy issues.

Following the definitions by Buckley,<sup>7</sup> the study of official state policy goals should take into account micro-level developments where the priorities of the state often conflict with the interests of individuals and social groups who balance costs and benefits. To be able to do this, the analysis utilizes both seminal historical studies of the Soviet era and research on current migration policy, valid legal and policy documents, and the findings of an ongoing research project on Central Asian labor migration to Russia (2017–2019).<sup>8</sup> First, I take a brief look at the Soviet institutional roots of the concept of national security, with special attention to the administrative and legal developments in the system of population registration. I follow this by presenting current security strategic documents and their connection with Russia’s planning system. The implementation of today’s migration policy is reviewed in a case study on Central Asian labor migrants in the Russian Federation.

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<sup>6</sup> Among the most prominent researchers in the field are Sergey Abashin and Madeleine Reeves, who have written about the complexities of migrant experiences vis-à-vis Russian state structures.

<sup>7</sup> Cynthia Buckley, “The Myth of Managed Migration: Migration Control and Market in the Soviet Period,” *Slavic Review* no. 53 (1995): 896–916.

<sup>8</sup> The project “Migration, Shadow Economy and Parallel Legal Orders in Russia” (2017–2019), funded by the KONE Foundation aims to examine the legal culture of labor migrants and their socio-legal integration into a politically hybrid regime. The project uses the case of Russia to investigate how undocumented migrants negotiate and maneuver around the restrictive socio-legal environment by producing new methods of informal governance and legal order. A research team, including Rustamjon Urinboyev and Kaarina Aitamurto, led by the author has so far interviewed 49 informants in the city of Moscow. The informants include both Central Asian migrants and experts on migration law. Thematic and face-to-face interviews have included the following issues: migrants’ social networks; work permit and residence registration in Russia; labor market conditions in Russia; immigration laws; entry bans and deportation; protection rackets; middlemen; everyday corruption; state law enforcement bodies; migrant acculturation processes in Russian legal culture and society; and legal protection.

## 2 The Legacy of 'national security' in Russian Population Control

Although Russian administrative and legal history have seen a fluctuation between more 'open' and 'traditionalist' periods, state security was always embodied in the autocratic power of the rulers, linked with the interpretation of the Russian Orthodox faith. In 1833, the administrative doctrine underlined autocracy, orthodoxy and nationalism as general administrative principles for the first time. However, it was only in 1881 that the concept of national security appeared as a synonym for societal security. Although the latter part of the 19<sup>th</sup> century saw a number of important milestones in the building of foundations for the state of the rule of law and more inclusive governance, many of these changes were never meant to secure 'rights' as such, but to facilitate the better functioning of government.<sup>9</sup>

It was not until 1934, that 'national security' became the concept which signified the consolidation of the new state formation and core features of its ideology.<sup>10</sup> State-building processes in post-revolutionary circumstances paved a way for this framework for governmental decision-making in the Soviet Union. The pre-revolutionary legal reforms were revoked in the organization of legislative, executive and judicial decision-making in the first 1918 Constitution.<sup>11</sup> The following 1924 Constitution created a highly complex system of control relations, which lacked clear constitutional jurisdictions. In addition to the organizational evolution, administration and law were to be used as instruments of education and the elimination of opposition.<sup>12</sup>

The 1920s saw the rapid establishment of the formal structures of the Soviet state. The socialist court system was created in the 1922 decree 'On the Judicial System'<sup>13</sup> followed by the adoption of Civil and Criminal codes. Amidst these hectic changes, the regulative power of the law was secondary to state bureau instructions and even party decisions. There was a flood of different types of legislative acts<sup>14</sup> and as a result, legal procedures were politicized and norms simplified. The prosecutor's office became more than just the heart of the legal system and its authority extended to oversight of the Soviet administration.<sup>15</sup> Between 1928 and 1932, law was embraced in the campaigns of collectivization, industrialization and social re-education, encapsulated in the 1932 decree 'On

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<sup>9</sup> George L. Yaney, "Law, Society and the Domestic Regime in Russia in Historical Perspective," *The American Political Science Review* 59, no. 2 (1965): 379–90.

<sup>10</sup> A.C. Malin, "Soderzhanie ponjatija 'bezopasnost'," *Vestnik Akademii vojennyh nauk* no. 21 (2007).

<sup>11</sup> Konstitutsiia Rossiiskoi Sotsialisticheskoi Federativnoi Sovetskoi Respublik, 10.7.1918, SRSFSR (1918), No. 51, item 582. <http://www.consultant.ru/online/base/?req=doc;=ESU;n=2929>.

<sup>12</sup> Vladimir I. Lenin, *Kootut teokset neljässä osassa* (Moscow: Kustannusliike Edistys, 1968, translated from *Izbrannye proizvedeniia v 4-tomah*, Moscow: Politizdat, 1968).

<sup>13</sup> Polozhenie "O sudoustroistve RSFSR 1922 g." (11 November 1922) *SU RSFSR* (1922) No. 69 item 902.

<sup>14</sup> Tatiana P. Korzhikhina, *Sovetskoe gosudarstvo i ego uchrezhdeniia, noiabr' 1917-dekabr' 1991* (Moscow: Rossiiskii gosudarstvennyi gumanitarnyi universitet, 1995).

<sup>15</sup> Anna-Liisa Heusala, *Transitions of Local Administration Culture in Russia*. (Saarijärvi: Kikimora Publications, 2005), 171.

Revolutionary Legality.’<sup>16</sup> The civil law concentrated on new economic relations while the consolidation of the command’s economic system applied emergency regulations.<sup>17</sup>

By the time of Stalin’s 1936 speech on the draft Constitution, it was clear that centralization needed a solid legal basis and the Constitution marked the official recognition of the centralization process as a key objective of administrative development. Rights included those social rights which were guaranteed by the state.<sup>18</sup> The linkages between national security as the foundation for ‘rights,’ law as an instrument of the planning system and administration as a ‘market mechanism’ for implementation<sup>19</sup> remained as the core of the Soviet governmental system, including a ‘dual state’ of official and unofficial structures and practices.

Soon after the revolution, federalism, which was based on a new nationalities policy, was accepted as a transitional administrative model leading in time to a fully unitary state. The federal structure and the principle of democratic centralism eased the building of the economic planning system. The economic regionalization in the 1920s rationalized the utilization of resources through a territorially organized division of labor, and by promoting specialization and long-term planning.<sup>20</sup> In parallel developments, the building of the administrative command system was connected to a new system of information-gathering, organized by the secret police (first the GPU, then the KGB, currently the FSB) in 1921. Although it began as a means to prevent opposition forces from gaining more power, it soon became an organization of routine social, economic and political information-gathering for strategic planning.

For all these several processes to succeed, a credible system of the registration and recording of statistics for the population needed to be created. Its foundation was in a 1917 decree<sup>21</sup> which emulated the imperial-era practices of internal passports and administrative entry limits.<sup>22</sup> In the formation of the new Soviet passport regime, the economic planning system, politically motivated ‘special measures,’ legislative changes and migration policy were merged.

The introduction of rationing in 1928–1930 required the Soviet state to become responsible for supplying the urban population with food and other essentials. At the same time as the

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<sup>16</sup> Postanovlenie “O revoliutsionnoi zakonnosti” (25.06.1932), *Sobranie Zakonov SSSR* (1932) No.50 item 298; an earlier decree with the same title dates from November 1918: *SU RSFSR* (1918) No. 90 item 908; Bill Bowring, “Politics, the Rule of Law and the Judiciary”, in Neil Robinson ed., *Institutions and Political Change in Russia* (Basingstoke, UK and New York, NY: MacMillan and St. Martin’s Press, 2000); Eugene Huskey, “From Legal Nihilism to Pravovoe Gosudarstvo”, in Donald D. Barry ed., *Toward the “Rule of Law” in Russia? Political and Legal Reform in the Transition Period* (New York, NY: M.E. Sharpe, 1992).

<sup>17</sup> Korzhikhina, *Sovetskoe gosudarstvo*, note 14.

<sup>18</sup> Katja Ruutu, “Future, Past and Present in Russian Constitutional Politics: Russian Constitutions in Conceptual-Historical Perspective,” *Review of Central and East European Law* no. 35 (2010): 77–110, Heusala, *Transitions of Local Administration Culture in Russia*, 163.

<sup>19</sup> Heusala, *Transitions of Local Administration Culture in Russia*, 176.

<sup>20</sup> J.G. Saushkin, “Economic Geography in the U.S.S.R.,” *Economic Geography*, 38, no. 1 (1962): 28–37.

<sup>21</sup> Dekret VTsIK, SNK RSFSR, (18.12.1917), “O grazhdanskim brake, o detyakh i o vedenii knig aktov sostoyaniya”, *SU RSFSR*, (1917), No 11 item 160.

<sup>22</sup> Buckley, “The Myth of Managed Migration”, note 7.

first five-year plan, an increase in the urban population surpassed all expectations. Partially to root out fraud with rationing cards, the government established a registration system in 1932 to connect access to rationing and official urban residence.<sup>23</sup> New decrees of 1932<sup>24</sup> required all citizens over 16 years of age permanently residing in towns, workers' settlements, state farms and construction sites to have a passport and register it with the police in order to obtain a local residence permit. From then on, persons found without a valid passport and residence permit faced a fine, expulsion by the police and, for repeated offenses, penal sanctions. A passport was mandatory for gaining legal work, and certain categories of persons became non-eligible for a passport and residence permit, including foreign non-political immigrants or persons with a criminal record, as well as their household members. Kessler concludes that the main scope of 'passportization' was a purging of the local level from 'anti-social' and 'anti-Soviet elements.'<sup>25</sup> Shearer describes the system as a way to formalize and extend the categorizing tendencies of the Soviet Government by "ascribing social, occupational, and ethnic-national identities directly to all who received an internal passport, and indirectly to those who were not issued passports."<sup>26</sup>

Buckley, on the other hand, has described the system as a way to influence individual-level demographic decision-making.<sup>27</sup> The extension of the passport system to the entire territory of the Soviet Union with the decree of April 23, 1933<sup>28</sup> assured steady flows of rural labor to the cities. Under the stipulations of the decree, rural residents arriving for a long-term or permanent stay could take out a one-year passport in their sending residence, and register for a residence permit in the receiving area by having documented reasons for their stay. After one year they could exchange this temporary passport for a full three-year passport.<sup>29</sup>

Conflicting policy goals and bureaucratic constraints affected the implementation of the new passportization system. The informal practices linked with the planning system have received considerable attention in previous research. Buckley has concluded that the "macro analysis of population trends indicates that passport and *propiska* restrictions exerted only a slight influence on aggregate urbanization patterns and migration flows. [...] But [the system] came to symbolize a valuable line of access to social guarantees in the former Soviet Union."<sup>30</sup> Researchers<sup>31</sup> also argue that the unregulated formation of labor markets was already a reality in Soviet times. These labor markets faced various challenges such as

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<sup>23</sup> Gijss Kessler, "The Passport System and State Control over Population Flows in the Soviet Union, 1932–1940," *Cahiers du monde russe* 42, no. 2–4 (2001): 477–504. The author shows how a nationwide inquiry into the reliability of officially registered and unofficial residents led to 'cleaning' operations in Moscow and Kharkov to evict starving peasants and beggars from these cities.

<sup>24</sup> *Sobranie zakonov i rasporiazhenii raboche-krest'ianskogo pravitel'stva SSSR*, 84 (1932), arts. 516, 517. in Kessler, "The Passport System", note 23.

<sup>25</sup> Kessler, "The Passport System", note 23: 486.

<sup>26</sup> David Shearer, "Elements Near and Alien: Passportization, Policing, and Identity in the Stalinist State, 1093–1952," *The Journal of Modern History* 76, no. 4 (2004): 838.

<sup>27</sup> Buckley, "The Myth of Managed Migration", note 7.

<sup>28</sup> *Sobranie zakonov i rasporiazhenii raboche-krest'ianskogo pravitel'stva SSSR*, 28 (1933), art. 168., in Kessler, "The Passport System", note 23.

<sup>29</sup> *Ibid.*

<sup>30</sup> Buckley, "The Myth of Managed Migration", note 7, 896.

<sup>31</sup> Granstaff, 1980 and Kerbley, 1983 in Buckley, "The Myth of Managed Migration", note 7.

shortages of skilled workers, which affected the lists of ‘restricted’ cities in the Soviet Union. ‘Undocumented’ migrants of the time found various informal channels to receive legal or illegal permits, or simply moved to places of their choice. Buckley’s work discusses how high demand for manual labor and the prevalence of a shadow economy sustained illegal migration. Lack of official registration often prevented these persons from receiving their entitlements and medical and educational services.<sup>32</sup> At the same time, the official policy tried to restrict the hiring of labor migrants outside of state employment and labeled unofficial workers as socially harmful elements and risks to economic development.<sup>33</sup>

The registration system was also linked with other concerns around statehood and security. Shearer points out how Stalin’s interpretation of socialism was influenced by his fear of the threat of war and outside intervention. Therefore, these concerns about territorial security in a multinational state also shaped the evolution of population control through the passport system in the 1930s. Repressive measures used passport and residency laws to bypass the under-developed police, while the police themselves used these to identify and exclude<sup>34</sup> unwanted populations which the government considered a national security risk. Partially due to these conflicting tendencies, the passport system proved inefficient in securing the accurate collection of data on registered residents. Unregistered changes of residence and ‘illegal’ migration distorted the official registration data.<sup>35</sup>

The new system connected various rights guaranteed by the state with the running of the civilian administration in the Soviet system. Document information, the rules for receiving proper documents and denying the right to them, as well as the control of their delivery, became essential components of the daily Soviet administration. Although there were subsequently several changes to these rules during the post-Stalinist periods, the core of the structural arrangement remained until the collapse of the Soviet Union. The legacies of the Soviet period assumed a new urgency in the 1990s, similar to the revolutionary changes in the 1920s and 1930s. For some time, the residence permit system facilitated the transition to privatization and, similar to the 1932 passport law, it was used as a means to control criminality in Russia’s major cities. In the early 1990s, city governments also attempted to use the registration system as a channel to generate revenue for local services.<sup>36</sup>

As the brief account of the evolution of the passport system and various forms of registering the population show, registrations and documentations have been a central component in the formation of migration policy and security governance in the multinational Soviet Union. Registration and documentation have not only segmented society into ‘regulars’ and ‘irregulars’, demarcated geographical areas and instituted limitation of access to them, but

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<sup>32</sup> Buckley, “The Myth of Managed Migration”, note 7.

<sup>33</sup> Shearer, “Elements Near and Alien”, note 26, 850.

<sup>34</sup> Shearer, “Elements Near and Alien,” note 26, 847. The author describes how by the mid-1930s, groups of police used mass passport sweeps in cities to detain large numbers of persons who were considered socially harmful, such as criminals and their associates, the unemployed, beggars, prostitutes and trade profiteers.

<sup>35</sup> Shearer, “Elements Near and Alien”, note 26.

<sup>36</sup> Ibid.



also formed an important technical basis of law enforcement in the Soviet Union. The connection of the legal developments of the early Soviet period, including fundamental ideas of rights connected to documents (vis-à-vis legal ideals), with the practical administrative organization of population control continued to influence daily life in the Soviet Union until its collapse. Most importantly, the evolution of the informal logic of implementation, or informal goals, guided the documentation 'industry' and its management to a large degree.

### 3 Post-Soviet Evolution of Security Thinking

The setting for post-Soviet migration policy is thus a combination of the Soviet system of population control and the globalized push-factors of Central Asian political and economic developments. In addition to these factors, centralization and globalized austerity measures have been combined in the framing and implementation of policies in post-Soviet Russia. Law and administration have been modified to support both the building of a strong executive government and the restructuring of center-regional relations. The Russian public sector has undergone several rounds of changes to reorganize itself structurally, to adopt new laws and regulations and to change practices. This refers not only to the key authorities in charge of implementation, such as the Federal Migration Service, the police and the courts, but the overall stability, functionality and division of labor between the public sector and the third sector or private organizations.

During the immediate post-Soviet period, both the legislation and the state administration needed a comprehensive overhaul. However, it was only after the stabilization of the Russian macro-economic conditions in the 2000s that the state administration was given more consistent attention<sup>37</sup> and new governance terms such as 'dictatorship of laws,' 'power vertical,' 'sovereign democracy' etc. entered into the official vocabulary. Centralization in state government has been used in a mixture of international and nationally emulated reform policies and more traditional strong state thinking based on socialist values, in which the idea of 'national security' is prevalent.

Since Vladimir Putin's first tenure, the central policy-making agency has been built around the president and his Security Council, which has assumed an important role in the prioritization of Russia's overall administrative goals. The development of the Security Council was synchronized with structural changes in the central government, such as the birth of seven federal districts.<sup>38</sup> The permanent secretary comes from the FSB. The Security Council coordinates the implementation of Russia security policies on the basis of the Federal Law on Security.<sup>39</sup> The Council's work serves as a good example of post-Soviet shifts in national security thinking. Lomagin's case study on the HIV/AIDS situation becoming a national security threat illustrates the turn away from the Soviet-era foreign

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<sup>37</sup> E.g. Pavel Romanov, "Quality Evaluation in Social Services: Challenges for New Public Management in Russia", in Guy F. Peters ed., *Mixes, Matches, and Mistakes: New Public Management in Russia and the Former Soviet Republics* (Budapest: LGL, OSI, 2009), 9–53.

<sup>38</sup> Carolina Vendil, "The Russian Security Council", *European Security* 10, 2, (2001): 67–94.

<sup>39</sup> Federalnii zakon "O bezopasnosti", (28.12.2010), N 390-F3.

policy mission to internal and social questions during the dramatic events of the 1990s. National interests were found inside of Russia and substance abuse and health questions were prioritized by the Security Council at the end of the decade.<sup>40</sup> At that time, this shift also put emphasis on creating better civil society – state relations in local safety creation.

The Security Strategy of 2009<sup>41</sup> represented the culmination of the development of security thinking in the 2000s which has resulted in a close connection between the state management and five-tier security planning (state, regional, local, individual actors and Russian ex-patriot level securities).<sup>42</sup> The strategy reflects the history of challenging structural and policy reforms by the state, the result of which is a national security concept as the umbrella term for societal development and governmental planning. Even though the Russian state has used globalized administrative tools and emulated neoliberal thinking in various economic and social policy reforms,<sup>43</sup> the basic thinking has followed the idea that security is connected to the ability of the *state* to provide a social contract based on a welfare model. Internal security has been strongly underlined and quality of life defined as depending on the reduction of organized crime and drug use and the control of migration. Accordingly, the Strategy stressed the overall modernization of the security administration and enhanced cooperation between authorities. A focus on intergovernmental and interagency networks, planning and coordination,<sup>44</sup> as well as on the ‘technologization’ of security<sup>45</sup> have been entangled in Russian security policy.

The key concepts in both the 2009 and the current 2015 Security strategies are national interests and national priorities. The first refers to an order of importance based on threat assessments. The second refers to governmental policy-making and the implementation of various policy programs in the Russian Federation.<sup>46</sup> The Law on Strategic planning (2014)

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<sup>40</sup> Nikita Lomagin, “Health and Globalization: A Case Study of Russia’s Response to HIV/AIDS”, in Julie Wilhelmsen, and Elena Wilson Rowe, eds., *Russia’s Encounter with Globalization. Actors, Processes and Critical Moments* (Chippenhams and Eastbourne: Palgrave Macmillan, 2011): 185–215.

<sup>41</sup> Strategiiia natsional’noi bezopasnosti Rossiiskoi Federatsii do 2020 goda (12 May 2009) No. 537, *Sobranie Zakonodatel’sтва Rossiiskoi Federatsii* (2009) No. 20 item 2444).

<sup>42</sup> Malin, “Soderzhanie”, note 10.

<sup>43</sup> Vladimir Gelman and Andrey Starodubtsev, “Opportunities and Constraints of Authoritarian Modernisation: Russian Policy Reforms in the 2000s,” *Europe-Asia Studies* 68, no. 1 (2016): 97–117; Kulmala et al., “Paradoxes of Agency”, note 4; Marina Khmel’nitskaya, *The Policy-Making Process and Social Learning in Russia: the Case of Housing Policy* (London: Palgrave Macmillan, 2015); Sarah Wilson Sokhey, “Market-Oriented Reforms as a Tool of State-Building: Russian Pension Reform in 2001,” *Europe-Asia Studies* 67, no. 5 (2015): 695–717.

<sup>44</sup> c.f. S. Cope, F. Leishman and P. Starie, “Globalization, New Public Management and the Enabling State: Futures of Police Management,” *International Journal of Public Sector Management* no. 10 (1997): 444–60; Ben Bowling, “Transnational Policing: The Globalization Thesis, a Typology and a Research Agenda,” *Policing* 3 (2009): 49–160.

<sup>45</sup> Anthony Amicelle, Claudia Aradau and Julien Jeandesboz, “Questioning Security Devices: Performativity, Resistance, Politics,” *Security Dialogue* 46 (2015): 293–306.

<sup>46</sup> Strategija natsionalnoi bezopasnosti Rossijskoi Federatsii do 2020 goda, (12.5.2009) and Ukaz Prezidenta Rossiiskoi Federatsii, (31.12.2015), No. 683 “O Strategii natsional’noi bezopasnosti Rossiiskoi Federatsii”. The legal foundation for both the security strategies includes RF Federal’nyi Zakon “O bezopasnosti” (28.12.2010) No.390-FZ, *Rossiiskaia gazeta* (19.12.2010), RF Federal’nyi Zakon “O strategicheskoi planirovanie v Rossiiskoi Federatsii” (28.6. 2014), No. 172-F3.

consolidates the development toward a unified ideational, legal and administrative system of centralized decision-making led by the President of Russia.

The current national security concept defines national security as including both state and societal security categories, which originate from the Imperial administrative vocabulary but the conceptual importance of which was underlined in Soviet administrative thinking. Planning includes the yearly addresses to the nation by the President, the Strategy on social-economic development, Strategy on national security, sub-national and sectoral plans of regional development, and various prognoses, such as the prognosis on scientific-technical development, state programs and the defense program. The Law on Strategic planning can be characterized as a technical manual for policy-making in the Russian Federation, while the National Security Strategy offers a political roadmap for the future of the state.

Although the indicators of implementation in the Security Strategy of 2015 still reflect the idea of societal security,<sup>47</sup> it marks a shift in Russia's identity politics. The strategy creates an image of the world where increased political confrontation has created threats to Russia's national interests (intervention), such as territorial integrity, national consensus and Russian culture.<sup>48</sup>

The question of sovereignty and willingness to assimilate new legal thinking has been at the center of Russian transition since its Constitution of 1993.<sup>49</sup> Russian participation in the Council of Europe system suggested a broad willingness to modernize its legal culture. In recent years, however, Russian conceptions of sovereignty have become more prominent in its legal thinking,<sup>50</sup> which gives further legitimation to centralization and the power vertical.

Legislation on foreign agents and the prohibition of homosexual 'propaganda'<sup>51</sup> present more recent developments framed as 'clashes of modernity' in Russia. Preclik has argued that the Russian state has effectively securitized human rights by using a myriad of national myths, constructing the image of negative Western-led globalization and of the danger of assimilation and loss of Russian culture. Such defense is offered in the form of rejecting human rights and other liberal principles as being of secondary importance in comparison with social identity. Rights need to be accepted progressively, respecting the level of development in Russian society, its institutions and overall state of economy, and translated

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<sup>47</sup> These include the rather broad category of "security of private entities and Russian citizens," the share of modern technology in the Russian armed forces, life expectancy, GDP, growth of income differences between the poorest and richest 10% of the population, inflation, unemployment, share of science, technology, education and culture in the GDP, and the geographical distribution and magnitude of ecological problems.

<sup>48</sup> Ukaz Presidenta RF ot (31.12.2015), No. 683 "O Strategii natsional'noi bezopasnosti Rossiiskoi Federatsii."

<sup>49</sup> Russia applied to join the Council in the spring of 1992, signed the European Convention on Human Rights (ECHR) in 1996 and ratified it with some reservations in 1998. It has not ratified Protocol No. 6 to the Convention abolishing the death penalty, although its presidential moratorium on executions has continued since Yeltsin decreed it.

<sup>50</sup> Mikhail Antonov, "Theoretical Issues of Sovereignty in Russia and Russian Law," *Review of Central and East European Law* 37 (2014); Marianna Muravyeva, "Legal Policy, Perspectives of the Rule-of-Law and Market Economy in Russia," *The Annual International Conference on the Development of Russian Law – VIII, Russian Law Journal* 3, no. 4 (2015).

<sup>51</sup> Aleksander Kondakov, "From Rights-Based Citizenship to the Silenced Citizens of Russia: Exclusion of Non-heterosexual Subjects," *Social & Legal Studies* 23 no. 2 (2012): 151–74.

into the Russian context.<sup>52</sup> Some researchers, however, underline that the process of strengthening the rule of law in Russia is not a lost cause, but instead should be viewed as ongoing,<sup>53</sup> in spite of its current conflicting dimensions.

#### 4 Central Asian Migration and Russian National Security Goals

Current migration policies thus take place in this above-described legal/administrative landscape. In the post-Soviet period, the previous internal passport system has been supplemented with a new system for foreign migration within the Eurasian regional integration framework. For a long time, Russia was the world's second most frequent destination country for migration after the United States. Between 1991 and 2013, almost 12 million immigrants moved to Russia in order to live there permanently. Almost the same number, approximately 11 million foreign nationals, have been found to reside in Russia every year in recent years.<sup>54</sup> Because of visa-free agreements between the Russian Federation and most post-Soviet states, citizens of such countries as Ukraine, Uzbekistan, Tajikistan and Moldova can enter Russia without restrictions. The governments of some Central Asian republics, for example Tajikistan and Kyrgyzstan, have encouraged their citizens to seek work in Russia or elsewhere to alleviate political and social tensions at home.<sup>55</sup> Although migrants from the visa-free region can travel without restrictions to Russia, they are not allowed to stay or work there without registering for their residence and work permit. In the 2000s, the quota set by Russian government for work permits was below the actual demand in the labor market, which led to a large number of persons working in Russia without proper documentation.<sup>56</sup>

Currently, Russia's migration system includes various sub-systems for different categories of migrants. These different categories fall into different policy areas, which are all connected with the implementation of Russia's national security goals. Traditionally, migration has been seen as a way to increase the working-age population and answer the demands of the labor market. An increase in the birth rate has been an essential component of Russia's social policy, as there is a shrinking pool of working-age persons in the next decades. The dramatic demographic changes of the 1990s will be felt in the 2040s when the

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<sup>52</sup> Petr Preclik, "Culture Re-introduced: Contestation of Human Rights in Contemporary Russia," *Review of Central and East European Law* 27 (2011): 173–230.

<sup>53</sup> E.g. Vladislav Starzhenetskii, "Assessing Human Rights in Russia: Not to Miss the Forest for the Trees. A Response to Preclik, Schönfeld and Hallinan." *Review of Central and East European Law* 37 (2012): 349–56.

<sup>54</sup> Sergey Abashin, "Migration Policies in Russia: Laws and Debates" in Anna-Liisa Heusala and Kaarina Aitamurto eds., *Migrant Workers in Russia. Global Challenges of the Shadow Economy in Societal Transformation* (Abingdon: Routledge, 2017): 16–34.

<sup>55</sup> Yuliya Zabyelina, "Between Exploitation and Expulsion: Labour Migration, Shadow Economy and Organised Crime", in Anna-Liisa Heusala and Kaarina Aitamurto eds., *Migrant Workers in Russia. Global Challenges of the Shadow Economy in Societal Transformation*, (Abingdon: Routledge, 2017): 94–109.

<sup>56</sup> For instance in Linda Cook, "Implications of Migration for the Development of Russian Social Policy", in Anna-Liisa Heusala and Kaarina Aitamurto eds., *Migrant Workers in Russia. Global Challenges of the Shadow Economy in Societal Transformation* (Abingdon: Routledge, 2017): 128–145, in the study of Tajik migrants, the author found that approximately 70% of these nationals worked in the shadow economy, relying on informal contacts for social assistance.

grandchildren of persons born in the 1990s start to have families.<sup>57</sup> This will have an impact on Russia's regional development, where the question becomes one of welfare-based inclusion (through the provision of social welfare and education) or more selective immigration policies. Linda Cook, who has extensively studied the social policy challenges related to large-scale migration in Russia, has noted that Russia's robust economic growth between 2000 and 2008 increased the demand for labor, while Russia's population and labor force were declining because of low birth rates and the high premature mortality of working-aged males. Migrant labor was the main source available to fill the gap left by the shrinking domestic labor force. In her studies, for instance, Tajiks were drawn to Russia by employment opportunities and particularly high regional wage differentials. Average wages even for unskilled work in Russia were four times the Tajik average during the 1990s. In this way, migrants comprised 8–10% of Russia's total employment by 2000.<sup>58</sup>

All the while, the system of registration (documentation of migrants) and the adjunct control of illegals have been at the forefront of Russian migration politics. Migration is linked with reforms in the Russian internal security sector where legislative changes have attempted to build a suitable organizational structure for law enforcement and to change practices. The police reform<sup>59</sup> has continued, albeit with much criticism<sup>60</sup> and reservations concerning the internationalization of Russian police management.<sup>61</sup> The reform has indeed resulted in visibly better physical conditions and equipment. But changing the actual work culture has been more difficult to attain,<sup>62</sup> even though there has been a considerable reshuffling and changing of personnel in the course of the reform to break up corrupt networks.<sup>63</sup> The most recent structural change in the field of internal security in 2016 concerned the reorganization of the internal security forces under the Ministry of the Interior and the new National Guard. This was legitimized by the assessment that a modernized, more effective and presumably expense-saving organization was needed to sustain public order during states of emergency and to carry out anti-terrorism activities<sup>64</sup> more generally.

The organizational evolution of the Migration Service founded in 1992 (the successor organization of the Soviet Committee for Migration Affairs in the Ministry of Labor and Employment) serves as an example of several issues coming together. Even as the position

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<sup>57</sup> Russian Presidential Academy of National Economy and Public Administration (RANEPA), *Critical 10 Years. Demographic Policies of the Russian Federation: Successes and Challenges*. (Moscow: "Delo" Publishing House, 2015).

<sup>58</sup> Cook, "Implications of Migration", note 56, 171.

<sup>59</sup> Federalnii zakon 'O politzii'. (7.2.2011), N 3-F3.

<sup>60</sup> E.g. Ella Paneyakh, "Faking Performance Together: Systems of Performance Evaluation in Russian Enforcement Agencies and Production of Bias and Privilege," *Post-Soviet Affairs* 30 (2014):115–136; Margarita Zernova, "Coping with the failure of the police in post-Soviet Russia: Findings from one empirical study," *Police Practice and Research: An International Journal* 13 (2011):474–486.

<sup>61</sup> Favarel-Garrigues, Gilles and Anne LeHuerou, "State and the Multilateralization of Policing in Post-Soviet Russia," *Policing and Society* 14 (1) (2004): 13–30.

<sup>62</sup> Titaev and Shklyaruk, "Investigators in Russia", note 3.

<sup>63</sup> Heusala and Koistinen, "Rules of the Game in Cross-border Cooperation: Legal-administrative Differences in Finnish-Russian Crime Prevention", *International Review of Administrative Sciences*, 84, 2, (2018): 354–370.

<sup>64</sup> Kremlin, <http://kremlin.ru/events/president/news/51650> (2016).

of the FMS in the internal security field underwent several changes,<sup>65</sup> several other developments were taking place simultaneously: the fight against terrorism and rebellion in the North Caucasus, the centralization of the state administration and the strengthening of federal institutions, including law enforcement agencies.<sup>66</sup> Along with the unwanted administrative side effects of the decentralization period of the Yeltsin years, the second war in Chechnya in particular had an impact on the way that centralization evolved in Russia. The actions of the military and internal security forces were defined as a limited counterterrorism mission, and – along with other arguments related to more bureaucratic and legalistic factors – were used to justify the centralization of executive power<sup>67</sup> and the ‘dictatorship of laws.’ In 2000, President Putin began to centralize control over federal politics and administrative decision-making, first by creating presidential envoys by decree,<sup>68</sup> and by restructuring federal legislative representation.

Legally, migration to Russia is regulated with the Convention on Human Rights and Basic Freedoms (1950) and the Federal law on Legal Status of Foreign Nationals in the Russian Federation (2002).<sup>69</sup> The latter was passed to solve key problems with migrant workers. However, its implementation was to a significant extent left to depend on lower-level regulations and instructions.<sup>70</sup> In the laws of 2002, the procedure for acquiring a permanent residence permit and Russian citizenship was seriously restrained. New migration control mechanisms introduced a migration card and a registration procedure at the address of residence. In 2003, the government adopted The Conceptual Foundation for Regulating Migration Processes in the Russian Federation, which underlined the urgency of internal security developments in the Russian Federation.<sup>71</sup>

Sergey Abashin states that the complex development in the management of migration has reflected the search for a new direction of the state. He points out that “for a very long-time politicians could not decide what kind of state Russia should be – a national state or a unique ‘civilization’ – and what kind of relationship it should have with the different former Soviet republics that became independent countries: an open and associated one or a distanced one.”<sup>72</sup> At the beginning of the 2000s, the policy toward former Soviet citizens started to change significantly. A dividing line was drawn between those who arrive to get permanent

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<sup>65</sup> The latest being a Presidential edict on the merger of the FMS into the structure of the Ministry of Internal Affairs in 2016.

<sup>66</sup> Abashin, “Migration Policies in Russia”, note 54.

<sup>67</sup> Jeffrey Kahn, “Vladimir Putin and the Rule of Law in Russia”, *Georgia Journal of International and Comparative Law* 36, (2008): 511–558.

<sup>68</sup> Ukaz Prezidenta RF “O polnomotsii predstavitele Prezidenta RF v federal’nom okruge” (13.05.2000), m894.

<sup>69</sup> RF Federal’nykh zakon “O pravovom polozhenii inostrannykh grazhdan v Rossiiskoi Federatsii” (25.7.2005), No. 115-F3.

<sup>70</sup> N.A. Voronina, “Mekhanizmi zashchity prav migrantov v Rossiiskoi Federatsii,” *Trudy Instituta Gosudarstva i prava RAN* 3, no. 55 (2016): 171–195.

<sup>71</sup> Abashin, “Migration Policies in Russia”, note 54, 27.

<sup>72</sup> Abashin, “Migration Policies in Russia”, note 54.

residency and Russian citizenship and foreign nationals ('labor migrants'), who receive a 'temporary' or 'permanent' residence status.<sup>73</sup>

Appeals for cultural affinity and societal consensus have coincided with perceived threats of economic and military influence over Russian national interests and global threats such as international terrorism. In Russian domestic policies, nationalistic tendencies, which resemble popular hypotheses of migration effects<sup>74</sup> similar to those found in the US, have influenced economic and demographic threat assessments. In 2012 the resettlement program begun in the 1990s was continued, but with significant changes with regard to the definition of the concept 'compatriot.' The narrowing of this concept led to the legal and rhetorical institutionalization of definitions in respect to migrants from the post-Soviet space, which separated them from culturally and ethnically closer 'compatriots.'<sup>75</sup> As regards the Russian migration system, Abashin has previously concluded that the task of creating a unified migration system that would minimize corruption and clearly divide migrants into several main categories has been dented in the past by such matters as the war in Ukraine, the World Cup and negotiations over the establishment of the Eurasian Economic Union.<sup>76</sup>

The above-mentioned issues, and terrorism particularly, affect Russia's foreign policy ambitions in regional integration between former Soviet states.<sup>77</sup> Russia is investing in the construction of the Eurasian Economic Union, in which the harmonization of the immigration, economic and labor market policies of member countries are key joint interests. Migration policy relates to the creation of an open labor market, which is a cornerstone of the regional security complex in Central Asia.<sup>78</sup> However, the strengthening of regional integration has been complicated by several factors related to the harmonization of legal and administrative structures and cultural dialog,<sup>79</sup> as different members weigh the pros and cons of their foreign policy alliances.

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<sup>73</sup> Abashin, "Migration Policies in Russia", note 54.

<sup>74</sup> Kevin Buckler, Public Opinion on Illegal Immigration: A Test of Seven Core Hypotheses. *Journal of Crime and Justice* 31, 1, (2008): 113–147.

<sup>75</sup> Madeleine Reeves, "Clean Fake. Authenticating Documents and Persons in Migrant Moscow, *American Ethnologist* 40,4, (2013): 508–524.; Abashin, "Migration Policies in Russia", note 54.

<sup>76</sup> Abashin, "Migration Policies in Russia", note 54.

<sup>77</sup> In November 2014 it was estimated that the shadow economy, in which a great number of migrants work in Russia, increased by 3–4 million persons, mostly because of layoffs in small businesses. Altogether, the shadow economy may have reached 40% of the Russian economy, because of the ongoing economic crisis. Trafficking activities to the Russian Federation have been an important side effect of the recession. This is connected to the economic development in Russia's southern neighbors, which have long and relatively open borders with Russia, and to the effectiveness of Russia's own counter-narcotics activities. The economies of these countries suffered a loss of remittances by migrant workers. Zabyelina, "Between Exploitation and Expulsion", note 53; Bettina Renz, "Traffickers, terrorists, and a 'new security challenge': Russian counter-narcotics strategy and the Federal Service for the Control of the Drugs Trade," *Small Wars & Insurgencies* 22 (2011): 55–77.

<sup>78</sup> Markku Kangaspuro and Anna-Liisa Heusala, "Russian Foreign Policy and Migrant Workers", in Anna-Liisa Heusala and Kaarina Aitamurto eds., *Migrant Workers in Russia. Global Challenges of the Shadow Economy in Societal Transformation* (Abingdon: Routledge, 2017): 35–50.

<sup>79</sup> Peter Dutkiewicz, "Introduction. EU–Ru–Asian Integration?", in Peter Dutkiewicz and Richard Sakwa eds., *Eurasian Integration – The View from Within* (Abingdon: Routledge, 2015): 1–11.

The result of several conflicting goals in the migration policy has been the 2014–2015 program, which aimed to change the legal status of migrants and modernize the management of migrant flows. The additions to the Law on Foreign Nationals in Russia (2002) linked the granting of a working patent and a residence permit in Russia to certification of a required proficiency in Russian language, history and legislation. The number of foreign nationals from Central Asia and North Caucasus residing in Russia decreased by about 15% from 2014 to 2015, as deportations increased dramatically. At the same time, the FMS's revenue increased by 20% in 2015, along with growing revenues from entrepreneurial activities connected with migration management, such as insurance companies and educational institutions.<sup>80</sup>

The effectiveness of the current patent system is hampered by its relatively high legalization cost to migrants. Although the city of Moscow has introduced a “multifunctional organization for migration services,” this system is not devoid of mundane corruption and inefficiency. While there are visible improvements in such questions as automated queues, informal practices connected to cultural and language tests and revenue collection via medical tests and outsourcing of services affect the overall picture.

Current regulations make deportations and ordering entry bans on the basis of minor administrative offenses, such as speeding or jaywalking, easy. A recycling of institutional dysfunctions in the law enforcement<sup>81</sup> and court system is fostered by the mutual dependencies between legally uneducated migrants, often with limited language skills, and the police authorities. The routine ‘revenue-collection’ of the beat police and various other forms of bribe-taking by the authorities lead to a system of unofficial ‘agreements’ between migrants and the police. Besides being ‘parallel legal orders’ themselves, these practices uphold the informal systems inside the migration communities across Russia. The effects are felt across the economic system where these migrants work and live and create obstacles to the ambitious goals of the Security Strategy. In these conditions, the earlier labor migration, which could lead to permanent status, is changing into temporary economic migration. The migrant's goal is not to seek a better life through integration, but instead to use remittances for the advancement of specific personal matters in their home countries and to return in a short period of time. This revolving door effect has significance for the future planning of documentation and control in Russian migration policy.

## 5 Conclusions

In Russian history, national security has been a governmental policy-making frame which has affected the management, the norms for management, and the administrative cultures in

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<sup>80</sup> Abashin, “Migration Policies in Russia”, 29.

<sup>81</sup> E.g. Anastasia Dubova and Leonid Kosals, “Russian Police Involvement in the Shadow Economy,” *Russian Politics & Law* 51, no. 4 (2013): 48–58; Titaev and Shkliaruk “Investigators in Russia”, note 3; Pozdnyakov, “The Courts”, note; Committee for Civic Initiatives, “Concept for Comprehensive Organizational and Managerial Reform of the Law Enforcement Agencies of the RF,” *Statutes & Decisions*, 48, no. 5 (2013): 5–9.



charge of the implementation of norms and policies. A key feature of decision-making concerning national security has been the selection of high-risk policy domains, combined with the allocation of public resources and political support for organizational and legal changes.

This article has focused on the impact of the Soviet legacy of national security for Russian migration policy. More than a paradigmatic change after the 1990s, the current emphasis on national security is a continuation of Russian security thinking which underlines the sovereignty and state-centered planning of key policy areas. Still today, we can trace the influence of the first three decades of the Soviet Union in the ‘deep structure’ of Russian security thinking and the ‘duality’<sup>82</sup> of its practical legal and administrative culture. Migration appears in the formal documents both as a ‘new’ security risk in the restructuring of the post-Soviet space and as a policy area connected with the overall modernization of Russian governance. The current policy strategies reflect the now almost universal understanding of ‘comprehensive security’ thinking where security has a transnational and cross-sectoral character. Currently, migration is connected to the other six policy areas of ‘state and societal security’ which form a key policy block in the national security strategy.

The events of the post-revolutionary Soviet Union, and particularly the events of the 1930s – the passportization period – offer an analogy to the situation in today’s globalized environment. The legalization (i.e. ‘passportization’) of undocumented migrant workers, mainly from Central Asia, bears similarities to the previous Soviet local registration system and its connection to the development of law enforcement. The essential questions from the point of view of national security are similar: control of the population, planning of the economy and containment of possible security risks. The legal/administrative developments of the early Soviet period, including rights being connected to documents (vis-à-vis legal ideals) and the administrative organization of population control, continued to influence daily life in the Soviet Union until its collapse. In this regard, the development of informality in the management of the documentation ‘industry’ is a significant detail.

Soviet structural arrangements and the ‘duality of the state’ have been transferred in altered forms into the current management of migration. This has had a considerable impact on Russia’s security policy implementation and wider governance trajectories. The Soviet planned economy has evolved into a globalized labor market of the shadow economy, where again a large group of ‘irregulars’ is economically exploited outside of the official, acknowledged routes of influence and decision-making. Large Central Asian migrant communities live according to parallel legal orders, often transferred from the societies of their home countries. Meanwhile, a negative cycle of informal connections between the Russian authorities and these communities continues, which has implications for the strengthening of the rule of law and development of institutional trust in Russian society.

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<sup>82</sup> C.f. Kathryn Hendley, “The Puzzling Non-Consequences of Societal Distrust of Courts: Explaining the Use of Russian Courts,” *Cornell International Law Journal* 45, no. 3 (2012): 517.